P 7 29-7

G. R. S. IX-5]

Previous references. 1896-97

191 .

(L.R.)

File No. 93-96.1

Serial Nos. 1-7.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-7.

In ~~Part~~ B for October. 1898.

SUBJECT.

Appeal of Venkatachar and others of Sarjapur Village Anekal Taluk, regarding their rights & duties in Zindlu Village

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Indexed 19.

Countermarked

W D 1250—GPB—30,000 - 28-1-19

Petition No. 3500. Fee. Rs 2-6-0

Petitioners - 1. Venkatachalam
2. Jainarain
3. Sanjasan-alias-
-Kal Zalak.

Subject

Appeal against the order of the
Dy. Com. Bangalore District, re-
fusing to reopen the petition
filed and framing it to be known
No. 85 in the Village of Jainarayan, Sanja-
-san Hobli

Memorandum -

On 8-7-92 2d petitioner Jainara
submitted a petition to the Dy. Com.
complaining that he bought the
site, survey No. 85 and registered
it, that the site was in enjoy-
-ment and he was paying the kand-
-ayam of Rs. 2-7-2 to Govt. that
during the survey settlement the

87

Upon the application of Edward and the
Wife of Stephen Johnson - that by
the Will of the said Testator the
Widow was entitled to the Income
Use and Profits of the Estate
during her Widowhood - that
the Testator by the Will
devised the Estate to his Executors
in Trust to sell the same at
such time or times as they
should think proper - that
the Widow was willing to
release her Right to the Estate
for the Consideration of
the Sum of Two Hundred
Pounds - that the Executors
had sold the Estate to
Thomas Hall - and that
the Widow had released
her Right to the Estate
to the said Thomas Hall
for the Consideration
aforesaid - and that
the Executors had
paid the Two Hundred
Pounds to the Widow -
and that the Widow
had released her Right
to the Estate to the
said Thomas Hall -

The Petitioner also
stated that he had been
duly appointed Executor
of the Will of the said
Testator by Probate
thereof granted by
the Prerogative Court
of Canterbury - that
he had duly proved
the Will in the
Principal Registry
and that all the
Testator's Estate
and Effects had
been duly
administered
according to
Law -

The Petitioner
therefore prayed
Your Lordships
Order for the
Purposes aforesaid -
And having
taken the
Petition and
Affidavit into
Consideration
and it appearing
to Your Lordships
that the
Testator by
the Will
devised the
Estate to
his Executors
in Trust to
sell the same
at such time
or times as
they should
think proper -

No. 17 of 20-7-92

Du Statement in particular the respective Petitions that Lieut. Lyons requested might be taken as Evidence upon the Trial - and that accordingly no other Evidence should be produced in that Behalf -

Ordered that the Petitioner Lieut. Lyons be at Liberty to produce Evidence at the Trial of the Issue joined between him & Lieut. Hall in Support of the Petition of the said Lieut. Hall praying that the Petitioner Lieut. Lyons might be compelled to pay unto him the Sum of £ 1000 Sterling with Interest thereon at the Rate of five per Cent. per Annum from the 24th day of June 1792 being the Amount of the Bond in the Petition mentioned to be given by the said Lieut. Lyons to the said Lieut. Hall as the Consideration for the Purchase of his Commission in the Regiment of Foot commanded by Lieut. Colonel Gabbett and that the said Lieut. Lyons be at Liberty to produce Evidence at the Trial of the said Issue in Support of his Petition -

No. 21. Feb. 9. 92
No. 215. Feb. 9. 92

Ordered that the Petitioner Lieut. Lyons be at Liberty to produce Evidence at the Trial of the Issue joined between him & Lieut. Hall in Support of his Petition praying that the Petitioner Lieut. Lyons might be compelled to pay unto him the Sum of £ 1000 Sterling with Interest thereon at the Rate of five per Cent. per Annum from the 24th day of June 1792 being the Amount of the Bond in the Petition mentioned to be given by the said Lieut. Lyons to the said Lieut. Hall as the Consideration for the Purchase of his Commission in the Regiment of Foot commanded by Lieut. Colonel Gabbett and that the said Lieut. Lyons be at Liberty to produce Evidence at the Trial of the said Issue in Support of his Petition -

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(2). What was the title pleaded
(4) What was the traverse
pleaded to the plea
-tiff's title?
(5) Was any issue joined
Title -

The Court having perused the
Title deeds produced by the plaintiff
& hearing the petitioner - that it
was agreed & consented by
& between - that the plaintiff
should have judgment
-ed - that the petitioner should
-Mary 1852, pay into Court the 86 and
86
possession of the premises
Annual Rent reserved
that it was understood that the
amount of the above sum
should be
that the petitioner
should have
that the Court
that in default
pay - &
that the Court
Court - that the
Title contained the
Title deeds

Jan. 25th 92

+ Messrs - 54
Hope - 15
House - 6
Alt - 5
Peele - 3
81

Jan. 27th 92

On 27-1-92 the Sol. for the
the Court for further
the following

(1). Whether the Plaintiff has proved the title which he asserted in the plaint for himself and the other Karanavan of the Tharavad?

(2) Whether the Respondents have proved their prescriptive title?

(3) What is the value of the suit property?

(4) What was the tradition in which the title was transferred to the Respondents?

(5) What is the title?

The Plaintiff was further asked to record the admissions if any made and Plaintiff recorded admissions, which were read over, explained, admitted and signed.

On 4-9-35 the Plaintiff examined himself and the witnesses mentioned as follows:-

Exhibit A dated 5th February 1835 is the Kanam settlement in the name of Kuttiyali Amma and Kayyalvakath Kunhiraman Nambiar for Rs. 25-8. Exhibit A1 is the Kanam deed executed by the Plaintiff's father in favour of the Respondents. The said Kanam deed is for the period of 12 years. Exhibit B is the title deed obtained by the Plaintiff's father. Exhibit B1 is the

No. 8350/30-4-93

percentage of Mullen with a copy of the Coll. No. [illegible] of Parithari [illegible] and reported to the effect that Manin and petitioners were [illegible] that they were of different caste and that the previous accounts showed that prior to Parithari the tope used to be included in the Inam account and the produce thereof used to be sold annually.

No. 1654 of 16-5-93

On 16-5-93 the Coll. asked for an express admission of the tenure claim when he went to the village as he wanted to make local investigation.

On 28-7-93 the Coll. asked for an explanation of the tenure claim [illegible] and [illegible] to the following effect:-

If the trees were planted by the an-cestors of the petitioners' Manin, without any permission obtained therefor. Specially that formerly the tree were included in [illegible] Bathi [illegible] and used to be sold, subsequent-ly the tope was planted for [illegible] -given owing to the fluctuation of the an-nual sale realization. As to [illegible] the fact that they have no title to the trees which had been given to them on the above terms there are references to show that during [illegible] such trees are being given to the right tenant and their value of the tope is to be given to the pets. for [illegible] he will have to pay the value of the trees. If he is willing to pay there

Yesterday the Directors Board for the Inspection of Lunatic Asylums in Ireland visited Killarney Lunatic Asylum for the purpose of inspecting the Asylum and the Visiting Justices for the County of Kerry attended. The Inspectors were Dr. Nugent Hamilton and Dr. Finnegan. The Board dined at the Asylum with the Visiting Justices. After dinner the Inspectors visited the Asylum and the Visiting Justices remained in the Board Room.

On 26-10-93 the Directors Board visited the Asylum and dined at Killarney before proceeding to the Asylum.

There were present Messrs. Hayes, Galvin, Hall, Hodges, Bellingham, Adams, Hall-Harris and Dr. Nugent. After dinner the Board proceeded to the Asylum.

On 27-10-93 the Committee appointed to report on the Water Supply for Killarney Asylum met at the Asylum. The Committee consisted of Messrs. Hall-Harris, Hodges, Bellingham, Adams and Dr. Nugent. The Committee proceeded to the Asylum.

the Sale deed.

The Amildar in reply reported that No. 575 of 30-11-93
it's a remark had been entered in the Bilenbhumi pahanika that during Survey the Tope was measured and clapsed as Rajayel: that it was apeped at Rs. 4/8- that during the Settlement the apeppment was cancelled and the tope taken up for report.

The Amildar forwarded Subunikā copy of the Sale deed and returned the petitions addressed to the petitioner Dy. Coner. and the Jeneral Apl. Coner. by the petr, which had been sent to him for report. vide Nadkarni Nos. 523 of 16-11-93 and 549 25-11-93.

Whereupon the Jeneral Apl. Coner. called for and obtained copies of the Survey and Bilenbhumi pahanikas relating to the Tope.

Note

In the Bilenbhumi pahanika the following particulars are given of Tope S. No. 85.

Total Extent 2a-24g, of which Karab 15g, Rajayel 2a-9g - apeppment Rs. 4/8 @ Rs. 2/- per acre. The trees in the No. are:- 54 mangos, 15 Kirpe, 6 Hirpe, 3 atti and 3 Nerle - It also contains a well - There is also a remark to the Effect that the No. contains a Tope - that its apeppment has been written off and the tope not respected as such. Tope.

On 20-8-94 petitioners Timmia

(10)

+ Executed by Ramia in favor of petr on 8-5-1 conveying the Tope.

and Venkatachar submitted a memo to the Land - Apts. Jour. praying that the topes might be appealed and given to them

On 3-9-94 the Land. Apts. Jour. Sub-mitted a memo to the D.J. Jour. stating:-

"Chaubhog Subbanna says that the tope in question was planted by one Subba from whom descendants Kodipi Timmi had purchased. By the Sicharti and the accounts consulted by the Amildar, it is not known when and by whom the tope in question was planted; but it is clear that the produce was being sold prior to the year 1852. In that year it was given to one Channa on Inamvali Kandayam, who and whose descendants were enjoying the same till 1880. In that year it was purchased by the petr. At the Survey Settlement the tope was classed as Kharab. This was because it was held on Inam-Vali Kandayam - Since the settlement the produce of the tope is being included in the Bhatai Jyara".

"The petitioner Kodipi Timmia says that the tope belongs to him as he had purchased both the trees and the land for Rs. 60 in 1880 and had enjoyed it for nearly 12 years. The person from whom the petr. purchased the tope was enjoying it on Inamvali and not the land Kandayam. The produce of the trees was, prior to the year 1852, being sold every year. Hence the former

enjoyed had no real right to sell and the petitioner to purchase the topse".

"The name of Rajan Venkatachar does not occur either in the Sale document or any other record".

The Dy. Conr. returned the records stating that the above report was not necessary as the petition was sent herein for disposal and that the Divisional officer might dispose of it.

docket Nos. 919 of 10-9-96

On 15-9-95 the 2nd. asst. Conr. passed the following order:-

(12)

"Kodisi Timmia and Rajan Venkatachar of the Anekal Taluk petitioned to the Dy. Conr. that the topse in S. No. 85 measuring 2-24 in the village of Jindalu, Anekal Taluk, belongs to them - that it had been classed as Kharab at the time of the Survey Settlement and that since then its produce was being sold by sort."

"This was referred to me for disposal, Vide docket No. 919 from the Dy. Conr."

"The Statement of the Thasildar shows that the topse in question was planted by one Subbia from whose descendants Kodisi Timmia had purchased".

"From the records and accounts it is not clear when and by whom the topse in question was planted, but they show that the produce was being sold prior to the year 1852".

"In that year it was given to one Thamia on Marasali Kaudayan of No. 2-5-4, who after his death his descendants were enjoying the same till 1880. In that year

Kodiyi Tinnuia purchased from the descendants of Thamia. Since then it was in the enjoyment of Kodiyi Tinnuia. In the year 1892 at the time of the Survey Settlement the tope was claped as Kharab. This was because it was not held on Rayadiyat Kandayam. Since the Survey Settlement the produce of the tope is being included in the Bala Izara."

(13) "As purchaser Kodiyi Tinnuia is entitled only to such right as the seller had in the tope. Consequently during the Survey Settlement the tope land has been rightly claped Kharab. Kodiyi Tinnuia has no real right to complain and his contention is untenable."

"The name of Rayan Venkatachar does not appear either in the sale deed or in any of the records."

"As it is clear the tope is a foot one and it was not in Rayadiyath from the beginning I reject the claim put forth by the petr."

No. 440 of 17-10-95 The above order and the records were sent to the Dy. Conr. in reply to his yadi No. 478 of 22-6-95 forwarding for report the reminder petition of 20-6-95 received from the petitioners.

No. 725 of 29-3-96 Whereupon the Dy. Conr. passed the following order:

"The order of the Asst. Conr. itself shows that Tinnuias Arpignors and Tinnuia have been enjoying the tope up to 1892 the Survey officials have claped the tope

Kiadásra az Isten -

Ke. 4753/20-0-93

Ne kivánd a' te felebarátodnak feleségét, sem jószágát, sem házát, sem szántóföldjét, sem szolgáját, sem szolgálóját, sem ökrét, sem szamarát, sem semmi olyan dolgát, a' mi az övé. Ezt a' tíz szót a' Hegyen, a' felhő, homály és setétség közül, a' tűz közepéből, nagy szóval kiáltá az Isten az egész gyülekezetnek, és semmivel többet nem adott hozzá. Ezután a' tíz szót kőtáblákra írá, és azokat nékem adá. Ezek a' parancsolatok, a' melyeket a' Hegyen a' tűz közepéből, a' felhő, homály és setétség közül, nagy szóval kiáltott az Isten a' ti egész gyülekezetekhez, és semmivel többet nem adott hozzá. Ezután a' tíz szót kőtáblákra írá, és azokat nékem adá.

Ke. 4754/1-0-93

Ha valamely ember vétkezik, és cselekszik az Úr parancsolatai ellen, a' melyeket nem szabad cselekedni, és nem tudja, de megtudja később, hibás lesz, és viselje a' maga bűnét. Ha valamely ember vétkezik, és cselekszik az Úr parancsolatai ellen, a' melyeket nem szabad cselekedni, és nem tudja, de megtudja később, hibás lesz, és viselje a' maga bűnét.

of Illinois, the Constitution,
and the Laws of the United States,
which Oath or Affirmation
I am duly authorized to administer,
and that the Name of the Person
administering the same, and
the Time when it was taken,
are as follows, viz.

"I do solemnly swear, [illegible] Samuel
Hildebrand duly account and report the
Receipts and Disbursements.

I do [illegible] Commissioner of [illegible] Nov. 26th A.D. 96
from the County and State aforesaid
do certify, that on the 4th day of
March A.D. 1872, and the Year of
the Independence of the United
States of America the One Hundred
and Sixth, before me personally
appeared [illegible] to me known
to be the Person described in
and who executed the foregoing
Instrument, and acknowledged
the same to be his free act and
deed for the uses and purposes
therein mentioned. And the
said [illegible] being by me
duly sworn, deposes and says
that he is the Person named
in the foregoing Instrument
and that the facts therein
stated are true.

Witness my hand and official Seal [illegible] Nov. 26th A.D. 96
the day and year aforesaid. [illegible] [illegible]

to the Surveyor General directing that the said Petitioner should be put in possession of the said land and that the Surveyor General should report to this Court what he should do in the premises

No. 1129 5/14-8-96

Whereupon the Surveyor General reported that the said land was not occupied by any person that the said Petitioner had never resided upon the said land and that the said Petitioner had not complied with the terms of the said Settlement Act in that he had not resided upon the said land for the space of two years from the date of the said Settlement Act and that the said Petitioner had not made any improvements upon the said land

Whereupon the said Petitioner was ordered to show cause why the said land should not be forfeited to the Crown and the said Petition dismissed

No. 132 5/7-9-96

Whereupon the said Petitioner appeared in person and showed cause

No. 137 5/7-9-96

Whereupon it is ordered that the said Petition be dismissed with costs to be taxed and that the said land be forfeited to the Crown

Petition No 3500 9/2-6-97

Whereupon the said Petitioner presented a petition praying

Whereupon the Petition of [illegible] (Page No. 66) praying for permission to purchase the said Reserve and the said Petitioner appeared in person and the said Petitioner withdrew his said Petition

to obtain sufficient power to set and
keep in motion the machinery
with fresh plants.

As the year advanced the Lucerne
took up the use of the machinery
effectually. The Lucerne had attained
a considerable growth
when Carpenter and Miller commenced.
But the first complaint of the
Workers caused them to be increased
and fresh ones obtained. Neighbourhood
had no occasion to approach further with
the present complaint of their use but
it became less expected and soon ceased.
Mr Dyson with Mr Carpenter about
Miller visited the place for the
purpose of ascertaining the
state of the Machinery. Subsequent with the
settlement Lucerne the use
turned to their benefit. Mr Dyson
of opinion with the Miller that
the distant machine from Langley
Mill was not expedient for
Lucerne of the Machinery but Lucerne not examined
the Machine or the Premises.

Mr Letts and Mr Wright personal
with Lucerne that the Machine should
be removed to Langley Mill and
Mr Dyson visited the Machinery to ascertain
Probabilities and Lucerne with
other persons in the use and to have what

Ldn. No 61 pt 5-6-97
No 418 pt 25-2-98

statements with the original records relating to the Darkhast for the grant of the tope to Ramina in 1852 or Duara-vali Kandayam.

On 10-5-98 the Tahsildar examined Venkatachar and Timmia.

Venkatachar deposed:-

On 8 May 80 Ramanna son of Subbanna of Tirtahalli sold the tope to Timmia son of Hanumappa and executed the sale deed. Out of the amount referred to in the sale deed I paid Rs. 30 and the balance viz. 30 was paid by Timmia's father on account of Timmia. As the deed was in Timmia's favor, Timmia's father kept the sale deed in his possession to show that I have a half share. I have produced the said deed. We used to enjoy the tope jointly by paying our respective shares of Kandayam. No other documents exist as to "Tala hise" and Hat [illegible] referred to. Because the settlement had not taken place at the time of the sale, hence [illegible] not been shown in the sale deed.

Timmia deposed corroborating the above statement.

The Tahsildar in submitting the above proceedings together with the Dand and Duyam [illegible], accounts of the year [illegible] and the Statement [illegible] [illegible]

Regarding the decision of the year Parishad, 1852, reported that the Parishad-ke. called for, never sent for forthcoming.

The dy. Com. has submitted papers with the report called for.

No. 1295/4-4-58

RK
25/4/58

The question for consideration in this case is whether the lease S.No. 85/extent 2 a 24 g Kharab) may be assessed & granted to the petr on payment of assessment from the year Sunday Cultivation & value of the trees: Before this question could be considered a short history of the lease is necessary.

Before 1852 the lease (map No. 86/66) was included in the Salagi Inam, though the above trees had been planted by one Subbia. In 1852 the lease was granted to one Thimma on a Mararik Kandayam of Rs 2-5-3. In 1880 Thimma sold the lease to Lodgi Immaji, one

the Jetty: In 1871 the
new settlement was
introduced & named it
Progress. This land was
first entered as garden
at Rs 4-8-11 but was
afterwards brought under
Khanah. The land
contains about 2 87 acres
& which do are mango
trees.
When the 1st petr Thomas
applied to the Bijou in
1872 for the recognition
of his title & the Govt
for the alteration of
the entry in the Survey Reg.
the Govt and Comr when
the petr was absent for
Aylmer - replied his
Claim on the ground
that he was paying
rent annually

– meaning thereby that he
was entitled only to the produce
of the trees – & not land
as well
The D.J. Court in appeal
took a different view of
the matter & called the
Survey Supt & surveyed
the land for purchase of it
& the Supt bet –
But the Survey Supt
agreeing in the view of
the Asst Conservator declined
to survey the bost.
Hence the present appeal

The subject of "loppes", their
conservancy & the demarcation
or otherwise of converting them
into private property was
fully considered in 80 no
12534-44 & 24/1/95 - copy
R.F 116-92
of which a part up
under para 5 of this order
a topic in Sarsapan

which had been brought under
Khanab at the Survey
Settlement was granted
on full assessment to
the heirs of the plaintiff
subject however to the
condition that no trees
should be cut - vide
So no 2627-S S 6/9/97
RT 116-92
put up.
The present case differs
from the above in the
single circumstance that
the claimant is not
in any way related to
the plaintiff Subbia but
has held the topes on
mauravali Kandigan
before the settlement.
It is also not clear whether
the tope is useful to the
village community as travellers

as para 5 of SO No 125-34-44
RF-116-92

& 24/1/95 applies only when the trees are not useful

=

If the precedent in the Sanjapura case is to be applied to this case, then the Claimant will have to be required to bind himself not to cut the trees. But in that case, the interest of the two petrs Thimma, the purchaser of the tope from Ramia will be entitled to regrs, leaving Venkalchar to settle his claim with Thimma

= Rs this claim so keenly as to whether information may be called for as to the position of the tope & its usefulness to the village community, I would

14/5/98

Remarks by the Rev. Dr. E. Dr.

Information may be called for as proposed.
29.5.98

No. 1354 of 20th June 1938

No. 1354 of 20th June 1938

In pursuance of the order of the Divisional Commissioner Eastern Division dated 7th June 1938 and the report of the position of the bore referred to in ~~the~~ paragraph 5 of Government Notification No. 1253 dated 4th June 1938, i.e. which is situated near the high road, and the inhabitants of the village community.

The Deputy Commissioner notified that the bore in Sangha Ward, Tamil village, Madras District, which was found by the Public Works Department to be unfit for human consumption, was situated near the high road and the village community.

BK 1938 As the bore is useful to the village community although not to travellers - it is doubtful if this bore comes within the purview of para 5 of Govt No 1253-44 RF 11-6-42

δ 24/1/95

Three cases - one disposed of under So No 12534-44 δ 24/1/95
RF 116-92
& the other two disposed of before the issue of that order -
are put up
In the last two cases Messrs Bhendsal Rao & Thumboo Bhattar held that, as some assessment - an usage or law - had been put before the Survey, the applicants were entitled to a patta
The applicant in the present case was also the applicant in two of the 3 cases put up

δ 8/7/95

P.S The claim in this case seems to be a "claim regarding the occupation of waste land belonging to Govt" & is thus a "council case" The case decided 9 Sep 1897 in 2627-8 & R.F 116-97 was not heard in council-

LR 93-96-1

(1)

1897

Submitted to the Hon'ble Board

No. 1111 / 93 / 12 / 96-97

Name of Petitioner: V. Ramaiah

Village: Anjasur

Taluk: Kunigal

District: Bangalore.

Date of Appl: "

Date of Receipt: June 97

Date of Disposal:

No. of Enclosure: one.

1) Not filed by time about 5 months
Petr in presuming the transfer at
first Enquiries was due to his
absence from the Village when the
notice was served. confessed that
he received the order from the Dy Com
& that he was ignorance that
he had present his appeal within
3 months.

2) Stamps insufficient

3) Appeal against Dy Com's
order rejecting petr's Claim
Dismissed

4) Counsel case
submitted for Orders

Rec 6.20 pm
8/6/97

8/6/97

Case perused
with record
9/6/97

Petr absent
Mr. [illegible] for petr present

Dy. Com's order confirmed to petr's cost.

11/6/97

ABSTRACT.

Petitioner appeal against the order dt. dated 7.9.96, of the Asst Commissioner Banga

The order under appeal is as follows: —

[illegible] found on the evidence, petitioner that the Defendants (Respondents) had a right & the tree and to the land, the land was [illegible] as Kharab Consequently petitioner has share right & the land

The grounds of appeal are;

1. That the "Dore" under dispute, was in the enjoyment of the appellants till the year "Te Kaili" and it was also improved by them largely.

2. That in the year "Khara" the Survey Department, recommended the Candayan Council on the said Dore, and took Kabooleeut &c.

3. That the Dores at Rajapur and other places, have also been dealt with similarly with Appts; but as the Answers Complained about them, they have been ordered the daily allowance &c restored.

4. That the restoration of Dores at Rajapur & other places, & the enquiries, was upon due perusal of the Accounts and other Records Communicated with them.

5. That the appellants pray that the earlier Records of the case, may be sent for and perused, and that the "Dore" may be ordered to be restored to them.

197

COURT FEE

TWO RUPEES

3500

RECEIVED NEW DELHI OFFICE
PETITION DEPARTMENT
DATE 2-6-79

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition No. [illegible] dated [illegible] received at the Dewan's Office from

1. [illegible] of Sanjapur
2. Jinnirda [illegible]
Village, Taluk [illegible] praying [illegible]
the order of the Deputy Commissioner [illegible]
District, rejecting [illegible]
to sue [illegible]
Taluk Sanjapur [illegible]

is forwarded, together with its enclosure, to the Deputy Commissioner of Bangalore District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosure should be returned.

By order,

Secretary.

BANGALORE,
5th June 1897.

Petn Br LR 93-96-3

Gen. 31]

7222

Pet 542

EVANS 1897-98 (3)

Negs book ofc.

BS
4/4

Encl

L 12.4.98

(The file has no info as to the no of descriptive rolls & whether they were enclosed)

In pieces (cash)

MK 20/4/98

Press postage
HK
27/4/98

To Mr Krishnaiyer
20/4/98

Subd

27.4.98 MK

Subd to Rev Council
Enclosed 52 Vill Pers

L 14/5/98

From

The Dy. Commissioner, of the
Bangalore District.

To The Secretary to the Govt.
of Mysore
Genl & Rev Departments.

Dated 4th
Despatched 5th } April 1898

Received

General No.

Rev No. 1293

Enclosure No. 1 Petition, file & book of accounts

Scy's Off. Memo dt. 1813
of the 5th June 1897.

Reports on petition of Venkatachar & Thimmiah of the Sanjapur Village in the Anekal regarding their claims to a Tope forming Survey No 65 in the Inadlu village of the same Taluk.

Petition Branch
6/4/98

Please see file No 5668

Rev. Branch.

Please put up Memo No 1813 dt 17-6-97 received & connected papers which were put up for Petn No 5668 & were sent to the Rev. Br on 16-8-97 & to which formed to the Rev. Br on 25/8/97 HK

Bangalore District
Dy. Commissioner's Office
Bangalore 6th June 1895.

No. 1293.

En: petition, file
& 4 Gov. Gazettes

To

The Secretary to the Govt. of Mysore
Revenue and General Depts.

Sir,

In reply to your Special memo
No. Rev / 1813 of the 5th June 1897, calling
for a report on the petition of Venkata-
char and Thimmiah of the Venjobar
village in the Anekal Talak praying
their claims to a tope forming Survey
No. 85 in the Kindlu village of the same
Talak, I have the honor to state that
it is not ascertainable when and
by whom the tope in question was
planted, but village Shanbhogue
states that it was originally planted
by one Nabiah, whose descendants
sold the same to Thimmiah the 2nd
appellant in the year 1880 for Rs 60/-

2. The accounts, prior to the year 1852
show that the produce of the tope
was annually sold by auction. In 1852
the tope was given to one Shamiah on

Maravali Kandayan and his descendants were enjoying the same till 1880-82 when it was purchased by Themmiah, the 2nd appellant. During the Survey settlement in 1892, the tope was classed as Kharab and its assessment written off the accounts as the tope had all along been held on maravali tenure and no one had any proprietary right to it. The produce has since then been included in the Collage Mara ie Government sale by auction.

3. The General Assistant Commissioner who enquired into the case held that the petitioner Themmiah had no right to the tope, as the original vendors from whom he purchased it held it only on maravali tenure, and that it was clear that the produce was sold by auction prior to 1852, and that consequently the tope belonged to Government

and was not a fraudulent holding.
Concurring in this view of the matter,
the late Deputy Commissioner —
(Mr. V. S. Natarajamanjeengar) to whom
an appeal was preferred, refused
to interfere with the General Assis-
tant Commissioner's decision. The
Survey Superintendent who was
consulted also concurred in this
view and stated that the title
cannot now be granted on Maravali
Kandayan.

4. The first appellant Venkata-
chari name does not appear in
any of the records in connection
with the title in question, but from
the statements of Thimmiah and
Venkatachar, now obtained and
sent herewith, it appears that
Venkatachar paid half the
purchase money in 1880, when it was
purchased by Thimmiah as stated
in para 1, and therefore both the

Appellants / Petitioner equal interests in the tope.

5. The entire records connected with the case are hereunto forwarded for reference

I have the honor to be.
Sir
Your most obedient servant

Dy. Commissioner,
Bangalore District.

LR 93-96-4

1898 (4)

From

The Secretary to Govt
Revenue Dept

To

The Deputy Commissioner
Bangalore Dist

Dated 6th

Despatched 7th June/98

Received

General No. 1135-9 P.

P. No. 1457

Enclosure No.

The Deputy Commissioners
letter No. 1293 dated 4th April
1898, reporting on Keshava
of Venkatachar and Thimmaiah
of Sanjapur village in the
Anekal taluk regarding
their claim to a tope forming
S. No. 80 in the Tirdhu
village Anekal taluk.

In returning the papers
received with the above for
reference and resubmission
has the honor to request that
a further report may be sub-
mitted as to the position
of the tope referred to [1] and

ತಹಶೀಲ್ದಾರರ ವರದಿಯನ್ನು ಕೇಳಿ
ಪತ್ರವನ್ನು ಹಿಂತಿರುಗಿಸಿದೆ ದಿ: 8/6/98
ಎಸ್.ಎಲ್.
6-6-

[1] (ie whether it is situated near the high road &c)

its usefulness to the village community and handlers.

By order

for Secretary

Rev. Cr
& Dr
29.5.98)

2/6/98

Subd LR 93-94 75

MM
27.6.98

Three files one set 2 to Ry 1233 ft 1-12-98

(5)

Cl. 9383
JUN 23 1898
12697
DEWAN'S OFFICE

-98

To the Dy. Commissioner, of the Bangalore District

Put up pet^n No 116 of 1893-94
98 of 1892-93 (referred by
Mr Ramaswamy Bangalore in
No 9)

M 2/7/98

I Genl. Records for Kind
Compliance

AK
2/7/98

The above two files sent

M 2.7.98

Cy
2.7.98
1111

Sent
4.7.98

Subd & Rev Commr & D^r
with precis cont^d
with 3 ref files

M 8/7/98

Recd 8/7/98

To The Secretary to the Govt
of Mysore
Genl & Rev Departments

Dated 20th June 1898.
Despatched 22nd do
Received

General No.
No. 1634
Enclosure No. 1 file

Transmitting copy^s 1125 & 1457
of the Proceedings
of the 6th June 1898.

Furnishing particulars
about the position
(site) of the Tower on
Survey No 85 in the
Tindlu village in the
Anekal Taluk

Petition

Rec^d 23/6/98

Ref^d put up

AK
24/6/98

To Mr B Krishnaiengar for
continuation with precis

25/6/98 Precis & D. submitted

AK
27/6/98

D. No. 1634

Sa. file

Bangalore District
Dy. Commissioner's Office
Bangalore 20th June 1898.

To

The Secretary to the Government
of Mysore
Genl & Rev Departments.

Sir,

With reference to your docket No 11359 of the 6th June 1898, Pet. 1451 calling for some information as to the position &c of the Tope in Survey No 85 in the Jindlu village of the Anekal Taluk, I have the honor to state that the Tope is about 3 furlongs from the said village and about 2 furlongs from the cart track from Sarjapur to Bagalur. It is not therefore useful to travellers but to the village community - The records are herewith resubmitted.

I have the honor to be
Sir
Your most obedient servant

C. Venkatarama

Dy. Commissioner,
Bangalore District.

(7)

LR 93-96-6

Draft for approval
Sd/- for Col. Connolly
13/10/95

10037

Prepare Kan. endt
14/10/95

Proceedings of the Govt. Sanctioning ...
(Subject matter of the Petn.)

Read:-

Petition of Appeal No 350 of 1896-97 presented by Venkatasha and Timmaya of Conjeepuram, against the order of the Deputy Comm.r Bangalore in ... regarding the petitioners claim to a tope in S.No 85 of Sindlu village, Sirsikal Taluk

(2) Correspondence ending with letter No 1634 dated 20th June 1895 from the Dy. Comm.r Bangalore

(3) The records of the case

Read again:-

(1) Govt. order No 12534-44 / R 7 116-92 dated 24-1-95

(2) do No 2627-8 / R 7 116-92 dated 6-9-97

Facts of the case

The tope in question, known as Subbaiya Ramaraji's tope, was included in the ... "Batayi Enam" up to the year 1850 when it was given to one Thammaya on a "Inamati Kandayam" of Rs 2-5-3. In 1850 Timmaya, the 2nd petitioner purchased the

the tope from Shanmuga's descendants and continued to enjoy it on the same terms till 1891. ~~At the Survey in 1891-92~~, the dry Survey in 1891-92 submitted topes which measured $\frac{a}{2}-24$ was assessed Rs 4-8-0, but ~~at the settlement~~ the assessment was written off and the land brought under "Kharab."

2. In 1892 the 2nd petitioner Immaya applied to the Dy. Comm[r] for the recognition of his title to the tope and for the issue of a patta in his name. In a subsequent petition to the Asstt Comm[r] in charge of the taluk, the 1st petitioner, ~~associated~~ associating himself with the 2nd petitioner Immaya urged that the claim. The Asstt Comm[r] to ~~whom the first petition was referred~~ rejected the claim on the ground that the fragment of "Amaroy Kandayam" conferred ~~with it~~ the right to the produce of the trees and not to the

land. On appeal the 2nd Comm.r held that Sunmugu was entitled to the land as it had been in his occupancy from 1886 to 1891 and ~~reversed~~ the ~~the~~ decision of the Survey Supt.t ~~leases the land. But the Survey Supt.~~ who commenced in the reservation by the Asst Comm.r ~~declined to assess the Expn~~ Thereupon the 2nd Comm.r rejected the petitioners claim. Since the present appeal ~~has been lodged~~ ~~The Appellant repeats that the Supt has~~ ~~not carried out Boundaries~~ ~~Boundaries~~ therein

Rs 51-15. R.E. 29-98 & 18/1/98

This case is similar to the one decided in the Supt. on the 5/1/98 & the Supt. will be requested to assess the top & the amount of such assessment will be received from the 2nd pet.r Sunmugu from the date of Survey settlement

Mr Supreme of the Appellant that the Supt in question was not empowered to demarcate and that the Supt in the performance of such duty was from 1892 in pursuance of a Boundary-

2. ~~It is not necessary to~~

The 2nd petitioner will be informed that the grant of the Lopez Patta assessment is subject to the condition that the trees should not be cut. The number & description of the trees ~~shown~~ will be entered in the Khelwar Patta and a proper inspection made and a note thereof entered every year in the Pahani Book

3. The name of Venkalachar the 1st petr does not appear in any of the accounts. The registry will be made in the name of John marya alone.

13.10.98

Seen

13/10/98

To The Deputy Commr, Bangalore Dist, with records.

P

2nd 881 / F 29-98 dt 4.11.98

copy To Survey dept

LR 93-96-T

P. (6)

By Order

For Secretary

Draft
Ben
14/10.